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IN THE SUPREME COURT OF ARIZONA

In the Matter of)	
)	Arizona Supreme Court No. _____
)	
THE ARIZONA)	
RULES OF PROCEDURE)	PETITION TO AMEND RULES 105-107,
FOR THE JUVENILE COURT)	ARIZONA RULES OF PROCEDURE
)	FOR THE JUVENILE COURT
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_____)	

**PETITION TO AMEND RULES 105-107, ARIZONA RULES OF PROCEDURE
ARIZONA FOR THE JUVENILE COURT**

Pursuant to Rule 28, Rules of the Supreme Court, the Arizona Supreme Court Staff Attorneys' Office petitions the Court to amend Rules 105-107, Arizona Rules of Procedure for the Juvenile Court, as reflected in the attachment hereto.

On September 1, 2011, this Court adopted parallel amendments to the Arizona Rules of Criminal Procedure and the Arizona Rules of Civil Appellate Procedure, effective January 1, 2012, relating to the implementation of electronic filing in Arizona appellate courts. The amendments proposed here are intended to make similar changes to the Juvenile Rules.

Specifically, the proposed amendments do the following:

- Require petitions for review to be filed in the supreme court instead of the court of appeals. Rules 107(A) and (B).

- Require bookmarks in appendices to petitions for review that contain multiple documents. Rules 160(A) and 107(B)(4).
- Eliminate references to “mail” and replacing them with “send.” Rules 105(A), 105(E), 106 (B)(1), and 107(E).
- Limit document binding requirements to paper filed submissions to clarify that electronic filing is an option. Rules 106(A)(1), 106(C), and 107(B).
- Change the word “transmit” to “make available” in reference to forwarding the record from the court of appeals to the supreme court. Rules 107(C) and (F).
- Eliminate the requirement of returning petitions for review or electronically filed briefs to the court of appeals after denial of a petition for review. Rule 107(G).
- Transfer authority from the court of appeals to the supreme court to extend the time to file a petition for review.

Petitioner respectfully requests that the Court adopt the proposed amendments as reflected in the attachment hereto.

DATED this 10th day of January, 2012.

Ellen M. Crowley
Chief Staff Attorney, Arizona Supreme Court

ATTACHMENT¹

ARIZONA RULES OF PROCEDURE FOR JUVENILE COURTS

* * *

RULE 105. DOCKETING OF APPEAL; TRANSMISSION AND FILING OF RECORD ON APPEAL; FILINGS IN JUVENILE COURT AFTER COMMENCEMENT OF APPEAL

(A) The clerk of the court of appeals shall docket the appeal upon receipt of the notice of appeal and the order from which the appeal is taken. A juvenile appeal shall in the alternative be docketed on the filing with the clerk of the court of appeals of a motion seeking to suspend or stay the juvenile court's order pending resolution of the appeal, provided the motion makes an appropriate showing that a timely notice of appeal was filed in the juvenile court and that the order from which the appeal is taken was final and appealable. The clerk of the court of appeals shall determine and establish the official caption of the appeal pursuant to the criteria set forth in Rule 103(A) for captioning the notice of appeal. After the appeal has been docketed, the clerk of the court of appeals shall ~~mail~~ send notice to all parties and the clerk of the superior court of the date on which the appeal was docketed.

(B)-(D) [No change in text.]

(E) Upon receipt, the clerk of the court of appeals shall file each portion of the record on appeal. The clerk of the court of appeals shall ~~mail~~ send notice to all parties of the date on which the record on appeal is complete.

(F)-(G) [No change in text.]

RULE 106. BRIEFING, CONSIDERATION AND DISPOSITION IN THE COURT OF APPEALS

(A) ARCAP 13 and 14 shall apply in appeals from final orders of the juvenile court, except that

(1) briefs submitted in hard copy shall be bound or fastened in the top margin by a two-pronged fastener ~~stapled or otherwise securely fastened in the upper left corner~~ and need not have covers; no adhesive bindings or bindings using numerous holes shall be used;

(2)-(3) [No change in text.]

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

The word and page limits specified in this subsection do not include the table of contents, table of citations, certificate of service, certificate of compliance, and any appendix. If a brief is filed electronically, and if the appendices contain multiple documents, such documents shall be electronically bookmarked in the appendices' table of contents. The appellate court may strike a brief that does not substantially conform to the requirements of this rule.

(B) ARCAP 15 shall apply in appeals from final orders of the juvenile court, except that

(1) appellant's opening brief shall be filed with the clerk of the court of appeals within 20 days after the ~~mailing of clerk sends~~ the notice required by Rule 105(e);

(2)-(4) [No change in text.]

(C) ARCAP 16 shall apply in appeals from final orders of the juvenile court, except that briefs amicus curiae submitted in hard copy shall be bound or fastened in the top margin by a two-pronged fastener ~~stapled or otherwise securely fastened in the upper left corner~~ and need not have covers. No adhesive bindings or bindings using numerous holes shall be used. A brief amicus curiae shall not exceed 6,000 words if prepared in a proportionately spaced typeface or 18 pages if prepared in a monospaced typeface, exclusive of pages containing the table of contents, the table of citations, certificate of service, certificate of compliance, and any appendix.

(D)-(G) [No change in text.]

RULE 107. PETITION FOR REVIEW

(A) Any party may, within 30 days after the clerk of the court of appeals has given notice that a decision or final order disposing of the appeal has been rendered, file with the clerk of the ~~court of appeals~~ supreme court a petition for review of the case ~~by the supreme court~~. No motion for reconsideration in the court of appeals shall be permitted. A cross-petition for review may be filed with the clerk of the supreme court within 15 days after service of a petition for review.

(B) The petition for review and cross-petition for review shall ~~be bound or fastened and shall comply with the provisions of~~ ARCAP 6(c) unless such requirements are otherwise suspended. The parties shall be designated as in the court of appeals. A copy of the decision of the court of appeals shall ~~be attached to~~ accompany the petition. Except by permission of the court, (1) a petition for review or cross-petition prepared in a proportionately spaced typeface may not exceed 3,500 words and may not have an average of more than 280 words per page, including footnotes and quotations; (2) a petition for review or cross-petition prepared in a monospaced typeface may not exceed 10 pages and may not exceed an average of 350 words per page, including footnotes and quotations; and (3) a handwritten petition for review or cross-petition may not exceed 12 pages. The petition or cross-petition shall be accompanied by a certificate of compliance that states either (1) that the petition or cross-petition uses a proportionately spaced typeface of 14 points or more, is double spaced using a roman font, and contains [blank] words, or (2) that the petition or cross-petition uses a monospaced typeface of no more than 10.5

characters per inch and does not exceed 10 pages, or (3) that the petition or cross-petition was handwritten and does not exceed 12 pages.

The petition for review or cross-petition shall contain concise statements of the following:

1.-3. [No change in text.]

4. If the record on appeal contains documents that are necessary for a determination of the issues raised by the petition or cross-petition, the petitioner or cross-petitioner shall file, simultaneously with ~~a copy of~~ the petition or cross-petition, an appendix that contains only those documents. In the case of a petition or cross-petition for review submitted in hard copy, if the appendices exceed 15 pages in length, they shall be bound or fastened together in the top margin by a two-pronged fastener and shall be submitted separately from the petition and attached the copy of the decision of the court of appeals or from the cross-petition. No adhesive bindings or bindings using numerous holes shall be used. An original and two copies of any separately bound or fastened appendices shall be filed with the petition or cross-petition. If the petition or cross-petition for review is filed electronically, and if the appendices contain multiple documents, such documents shall be electronically bookmarked in the appendices' table of contents.

The clerk of the ~~appellate-supreme~~ court may in his or her discretion return to the petitioner or cross-petitioner any petition for review or cross-petition for review presented for filing that does not substantially comply with this rule. The clerk of the ~~appellate-supreme~~ court shall include with the returned petition written instructions to the petitioner or cross-petitioner to file a proper petition or cross-petition within 30 days from the date on which the clerk of the ~~appellate supreme~~ court ~~mails~~ sends the written instructions to the petitioner or cross-petitioner.

(C) When the clerk of the court of appeals is notified that ~~Upon the filing of~~ a petition for review has been filed, the clerk of the court of appeals shall ~~transmit~~ make available to the clerk of the supreme court ~~the original and all copies of the petition for review, the original and all copies of the briefs filed in the court of appeals, and one copy of the decision of the court of appeals.~~

(D) The petitioner or cross-petitioner shall serve a copy of the petition or cross-petition and any appendices on all parties who have appeared in the court of appeals. Any party wishing to oppose the petition or cross-petition may file with the clerk of the Supreme Court a response within 30 days from the date upon which the petition or cross-petition for review is served. The response shall comply with the provisions of Rule 107(B) and ARCAP Rule 6(c) not otherwise suspended by any Administrative Order of the Supreme Court. If the record on appeal contains documents that are necessary for a determination of the issues raised by the petition or cross-petition, the respondent shall file, simultaneously with a copy of the response, an appendix that complies with the requirements set forth in paragraph (B) of this rule and contains only those documents not included in the appendix filed with the petition or cross-petition. ~~If the appendices exceed 15 pages in length, they shall be bound or fastened together separately from the response. An original and two copies of any separately bound or fastened appendices shall be filed with the response.~~ Failure to file a response shall not be considered an admission that the petition or

cross-petition should be granted. If a response is filed, it shall list, separately and without argument, any additional issues not listed by the petitioner or cross-petitioner that were presented to but not decided by the court of appeals and may need to be decided if review is granted. No reply shall be filed by petitioner or cross-petitioner, unless the ~~S~~supreme ~~C~~court has so directed by specific order, in which event a reply may be filed within the time set by the ~~S~~supreme ~~C~~court.

(E) If the supreme court grants review, its order shall specify the issue or issues ~~which are~~ to be reviewed. The supreme court may order that the parties file additional briefs or that oral argument be heard, or both. If the order granting review does not provide for supplementation of briefs or for oral argument, either party may, within 15 days after the clerk ~~mails~~ sends notice of the court's order, request the court to do so by a motion specifying the reasons for supplementation or for oral argument, or both.

(F) Upon notification by the clerk of the supreme court that a petition for review or cross-petition for review has been granted, the clerk of the court of appeals shall ~~transmit~~ make the remaining record available to the clerk of the supreme court.

(G) If the supreme court denies review, its order shall specify those justices of the supreme court, if any, who voted to grant review. When all petitions and cross-petitions for review have been ~~denied~~ decided, the clerk of the supreme court shall so notify the clerk of the court of appeals and the parties, and shall return ~~the any~~ original paper copies of the briefs ~~and the petition or cross-petition for review~~ to the clerk of the court of appeals. Unless permitted by specific order of the supreme court, no party shall file a motion for reconsideration of an order denying a petition for review or cross-petition for review.

(H)-(I) [No change in text.]

(J) Motions to Extend Time. The supreme court of appeals shall have authority to grant or deny motions to extend the time to file petitions for review. ~~These motions shall be filed in the court of appeals.~~ Motions to extend the time to file petitions for review and cross-petitions for review shall be filed in the supreme court.

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